

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

WAPP TECH LIMITED PARTNERSHIP and
WAPP TECH CORP.,

Plaintiffs,

v.

APPLE INC., CAPITAL ONE, N.A.,
CAPITAL ONE SERVICES, LLC, FROST
BANK, and CULLEN/FROST BANKERS,
INC.,

Defendants.

Civil Action No. 4:25-cv-00230-ALM

JURY TRIAL DEMANDED



**DECLARATION OF MICHAEL E. BOWLUS IN SUPPORT OF
DEFENDANT APPLE INC.'S MOTION TO DISMISS**

I, Michael E. Bowlus, hereby declare:

1. I am an associate at the law firm of Covington & Burling LLP, counsel for Defendant Apple Inc. (“Apple”), in the above captioned matter *WAPP Tech Limited Partnership et al. v. Apple Inc. et al.*, 4:25-cv-00230-ALM (E.D. Tex.). I am licensed to practice law in California and am admitted in the Eastern District of Texas.

2. I make this declaration in support of Apple’s motion to dismiss. I am familiar with the facts set forth herein.¹

3. Attached hereto as **Exhibit 1** is a true and correct copy of the [REDACTED]
[REDACTED] (APL-WAPP-230-00000001–
14). [REDACTED]
[REDACTED] Exhibit 1, ¶ [REDACTED]. Exhibit 1
contains sensitive commercial terms between Apple and Best Buy, the disclosure of which would
cause competitive harm.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the [REDACTED]
[REDACTED] (APL-
WAPP-230-000000015–20). Exhibit 2 is subject to the confidentiality restrictions described in
Exhibit 1. Exhibit 2 contains sensitive commercial terms between Apple and Best Buy, the
disclosure of which would cause competitive harm.

5. Attached hereto as **Exhibit 3** is a true and correct copy of exhibits to the [REDACTED]
[REDACTED]
[REDACTED] (APL-WAPP-230-000000021–79).

¹ Consistent with Local Rule CV-7(b), the exhibits have been highlighted to identify the specific portions relied on in Apple’s motion to dismiss.

Exhibit 3 is subject to the confidentiality restrictions described in Exhibit 1. Exhibit 3 contains sensitive commercial terms between Apple and Best Buy, the disclosure of which would cause competitive harm.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the [REDACTED]
[REDACTED] (APL-WAPP-230-00000080). Exhibit 4 is subject to the confidentiality restrictions described in Exhibit 1. Exhibit 4 contains sensitive commercial terms between Apple and Best Buy, the disclosure of which would cause competitive harm.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the [REDACTED]
[REDACTED] (APL-WAPP-230-00000081–83). Exhibit 5 is subject to the confidentiality restrictions described in Exhibit 1. Exhibit 5 contains sensitive commercial terms between Apple and Best Buy, the disclosure of which would cause competitive harm.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the [REDACTED]
[REDACTED] (APL-WAPP-230-00000084–87). Exhibit 6 is subject to the confidentiality restrictions described in Exhibit 1. Exhibit 6 contains sensitive commercial terms between Apple and Best Buy, the disclosure of which would cause competitive harm.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the [REDACTED]
[REDACTED] (APL-WAPP-230-00000088–122). [REDACTED]
[REDACTED]
[REDACTED] Ex. 7 ¶¶ [REDACTED]. Exhibit 7 contains sensitive commercial terms between

Apple and Target, the disclosure of which would cause competitive harm. [REDACTED]

[REDACTED]

[REDACTED]

10. Attached hereto as **Exhibit 8** is a true and correct copy of [REDACTED]
[REDACTED] (APL-WAPP-230-00000123–28). Exhibit 8 is subject to the confidentiality restrictions described in Exhibit 7. Exhibit 8 contains sensitive commercial terms between Apple and Target, the disclosure of which would cause competitive harm.

11. Attached hereto as **Exhibit 9** is a true and correct copy of [REDACTED]
[REDACTED] (APL-WAPP-230-00000129–36). Exhibit 9 is subject to the confidentiality restrictions described in Exhibit 7. Exhibit 9 contains sensitive commercial terms between Apple and Target, the disclosure of which would cause competitive harm. [REDACTED]

[REDACTED]

12. Attached hereto as **Exhibit 10** is a true and correct copy of [REDACTED]
[REDACTED]
[REDACTED] (APL-WAPP-230-00000137–39). Exhibit 10 is subject to the confidentiality restrictions described in Exhibit 7. Exhibit 10 contains sensitive commercial terms between Apple and Target, the disclosure of which would cause competitive harm.

13. Attached hereto as **Exhibit 11** is a true and correct copy of the webpage at <https://stores.bestbuy.com/tx/plano/2800-n-central-expy-202.html> as of July 23, 2025.

14. Attached hereto as **Exhibit 12** is a true and correct copy the webpage at <https://www.bestbuy.com/site/services/apple-service-repair/pcmcat1554741516170.c> as of July 23, 2025.

15. Attached hereto as **Exhibit 13** is a true and correct copy of a declaration by Stephanie Calhoun Jemmings filed by Apple on July 15, 2024, in *Slyde Analytics LLC v. Apple Inc.*, No. 2:24-cv-00331-RWS-RSP (Dkt. 21-7).

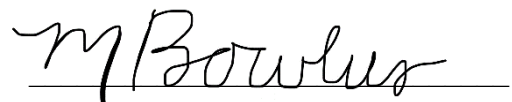
16. Attached hereto as **Exhibit 14** is a true and correct copy of a declaration by Stephanie Dockendorf filed by Apple on July 15, 2024, in *Slyde Analytics LLC v. Apple Inc.*, No. 2:24-cv-00331-RWS-RSP (Dkt. 21-8).

17. Attached hereto as **Exhibit 15** is a true and correct copy of the webpage at <https://www.apple.com/retail/fashionvalley/> as of July 23, 2025.

18. Attached hereto as **Exhibit 16** is a true and correct copy of the webpage at <https://www.apple.com/retail/utc/> as of July 23, 2025.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: July 25, 2025

A handwritten signature in black ink, appearing to read "m/Bowlus", written over a horizontal line.

Michael E. Bowlus